

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

Angel Garcia v. Victor Manuel Venegas

No. 2:25-cv-03202-JLS-SK, United States District Court for the Central District of California (April 16, 2025)

SUMMARY

The U.S. District Court for the Central District of California orders Plaintiff to show cause why the Court should not decline supplemental jurisdiction over claims under California’s Unruh Act and other state laws. The Court requires Plaintiff to identify the statutory damages sought and provide declarations addressing whether Plaintiff and counsel are high-frequency litigants. Failure to respond adequately may result in dismissal of the state-law claims or the entire action without prejudice.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Josephine L. Staton
JURISDICTION	U.S. District Court for the Central District of California
DECIDED	April 16, 2025
DOCKET	2:25-cv-03202-JLS-SK
DISPOSITION	other
PROCEDURAL POSTURE	The plaintiff filed a federal action asserting injunctive relief under the Americans with Disabilities Act and damages under California's Unruh Act and other state-law claims. The district court issued an order to show cause why it should not decline supplemental jurisdiction over the state-law claims.
STANDARD OF REVIEW	A district court has discretion under 28 U.S.C. § 1367(c) to decline supplemental jurisdiction, based on factors including the circumstances of the case, the nature and governing character of the state-law claims, and the relationship between the federal and state claims.
PRECEDENTIAL VALUE	unpublished, nonprecedential district-court order
PARTIES	Angel Garcia v. Victor Manuel Venegas, et al.

TOPICS

subject matter jurisdiction

civil procedure

public accommodations discrimination

ada / disability

PRACTICE AREAS

civil procedure

disability rights

supplemental jurisdiction

QUESTIONS PRESENTED

1. Whether the court should require plaintiff to show cause why it should not decline supplemental jurisdiction over the Unruh Act and other state-law claims.
2. Whether plaintiff must identify the statutory damages sought and provide declarations concerning plaintiff's and counsel's potential status as high-frequency litigants under California law.

HOLDINGS

1. Although supplemental jurisdiction may exist over related state-law claims, a district court has discretion under 28 U.S.C. § 1367(c) to decline to exercise that jurisdiction after considering the circumstances of the case, the nature and governing character of the state-law claims, and their relationship to the federal claims. The court ordered plaintiff to show cause why that discretion should not be exercised here, but did not yet make a final determination declining jurisdiction.
2. The court required plaintiff to identify the amount of statutory damages sought and provide sworn declarations containing facts necessary to determine whether plaintiff and counsel are high-frequency litigants under California law.

KEY QUOTATIONS

“Even if supplemental jurisdiction exists, however, district courts have discretion to decline to exercise supplemental jurisdiction.”

“Failure to respond may, without further warning, result in dismissal of the entire action without prejudice.”

FACTUAL BACKGROUND

The complaint alleged a violation of the federal Americans with Disabilities Act and sought injunctive relief. It also asserted an Unruh Act claim and other state-law claims seeking damages. The court focused on California's heightened pleading, filing-fee, and disclosure requirements for construction-related accessibility claims and high-frequency litigants.

PROCEDURAL HISTORY

The complaint invoked federal-question jurisdiction through an ADA claim and asserted related California claims. Rather than immediately dismissing the state-law claims, the court ordered plaintiff to respond within ten days, identify the statutory damages sought, and submit declarations addressing whether plaintiff and counsel qualify as high-frequency litigants. The order warned that failure to respond could result in dismissal without prejudice and that an inadequate response could lead to declination of supplemental jurisdiction under 28 U.S.C. § 1367(c).

DISPOSITION

other

CASES CITED

- Velez v. Il Fornaio (America) Corp., CV 3:18-1840 CAB (MDD), 2018 WL 6446169, at *6 (S.D. Cal. Dec. 10, 2018)
- City of Chicago v. International College of Surgeons, 522 U.S. 156, 173 (1997)
- Link v. Wabash Railroad Co., 370 U.S. 626, 629-33 (1962)
- Hells Canyon Preservation Council v. U.S. Forest Service, 403 F.3d 683, 689 (9th Cir. 2005)

OPINION

Angel Garcia v. Victor Manuel Venegas

PER CURIAM.

CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 2:25-cv-03202-JLS-SK Date: April 16, 2025 Title: Angel Garcia v. Victor Manuel Venegas et al

Present: HONORABLE JOSEPHINE L. STATON, UNITED STATES DISTRICT JUDGE

Kelly Davis N/A Deputy Clerk Court Reporter ATTORNEYS PRESENT FOR PLAINTIFF:
ATTORNEYS PRESENT FOR DEFENDANT: Not Present Not Present

PROCEEDINGS: (IN CHAMBERS) ORDER TO SHOW CAUSE RE

SUPPLEMENTAL JURISDICTION

The Complaint filed in this action asserts a claim for injunctive relief arising out of an alleged violation of the federal Americans with Disabilities Act and a claim for damages pursuant to California’s Unruh Act and other state-law claims. Accordingly, the Court ORDERS Plaintiff to show cause why the Court should not decline to exercise supplemental jurisdiction over Plaintiff’s Unruh Act claim and other state-law claims. See 28 U.S.C. § 1367(c). “In 2012, in an attempt to deter baseless claims and vexatious litigation, California adopted heightened pleading requirements for disability discrimination lawsuits under the Unruh Act.” Velez v. Il Fornaio (America) Corp., CV 3:18-1840 CAB (MDD), 2018 WL 6446169, at *6 (S.D. Cal. Dec. 10, 2018). These heightened pleading requirements apply to actions alleging a “construction-related accessibility claim,” which California law defines as “any civil claim in a civil action with respect to a place of public accommodation, including but not limited to, a claim brought under Section 51, 54, 54.1, or 55, based wholly or in part on an alleged violation of any construction-related accessibility standard.” Cal. Civ. Code § 55.52(a)(1). Moreover, California imposes additional limitations on “high-frequency litigants,” defined as: A plaintiff who has filed 10 or more complaints alleging a construction- related accessibility violation within the 12-month period

immediately preceding the filing of the current complaint alleging a construction-related accessibility violation.

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Case No. 2:25-cv-03202-JLS-SK Date: April 16, 2025 Title: Angel Garcia v. Victor Manuel Venegas et al Cal. Civ. Proc. Code § 425.55(b)(1). The definition of “high-frequency litigant” also extends to attorneys. See Cal. Civ. Proc. Code § 425.55(b)(2). “High frequency litigants” are subject to a special filing fee and further heightened pleading requirements. See Cal. Gov. Code § 70616.5; Cal. Civ. Proc. Code § 425.50(a)(4)(A). By enacting restrictions on the filing of construction-related accessibility claims, California has expressed a desire to limit the financial burdens California’s businesses may face for claims for statutory damages under the Unruh Act. Plaintiffs who file these actions in federal court evade these limits and pursue state law damages in a manner inconsistent with the state law’s requirements. In an action over which a district court possesses original jurisdiction, that court “shall have supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution.” 28 U.S.C. § 1367(a). Even if supplemental jurisdiction exists, however, district courts have discretion to decline to exercise supplemental jurisdiction. 28 U.S.C. § 1367(c). Such discretion may be exercised “[d]epending on a host of factors” including “the circumstances of the particular case, the nature of the state law claims, the character of the governing state law, and the relationship between the state and federal claims.” *City of Chicago v. Int’l Coll. of Surgeons*, 522 U.S. 156, 173 (1997). Accordingly, Plaintiff is ORDERED to show cause, in writing, no later than ten (10) days from the date of this Order, why the Court should not decline to exercise supplemental jurisdiction over Plaintiff’s Unruh Act claim and other state-law claims. In so responding, Plaintiff is further ORDERED to:

- (1) identify the amount of statutory damages Plaintiff seeks to recover; and
- (2) provide declarations from Plaintiff and Plaintiff’s counsel, signed under penalty of perjury, providing all facts necessary for the Court to determine if each is a “high-frequency litigant.” Failure to respond may, without further warning, result in dismissal of the entire action without prejudice. Fed. R. Civ. P. 41(b) (stating that dismissal is warranted “[i]f the plaintiff fails to ... comply with ... a court order”); see *Link v. Wabash R. Co.*, 370 U.S. 626, 629-33 (1962) (holding that while Rule 41(b) explicitly authorizes motions to

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Case No. 2:25-cv-03202-JLS-SK Date: April 16, 2025 Title: Angel Garcia v. Victor Manuel Venegas et al dismiss by defendants, it also permits the district court to dismiss sua sponte); see

also Hells Canyon Pres. Council v. U.S. Forest Serv., 403 F.3d 683, 689 (9th Cir. 2005). Further, an inadequate response will result in the Court declining to exercise supplemental jurisdiction over Plaintiff's Unruh Act claim and other state-law claims and the dismissal of those claims pursuant to 28 U.S.C. § 1367(c). Initials of Deputy Clerk: kd
